

# WUERSCH & GERING

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November 10, 2017

**By ECF:**

Hon. Vernon S. Broderick  
United States District Judge  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: ***Am. Lecithin Co. et al. v. Rebmann, 12-CV-929 (VSB)***

Your Honor:

This is a joint letter on behalf of all parties pursuant to the Court's orders of September 30 and October 23, 2017, addressing the designated topics.

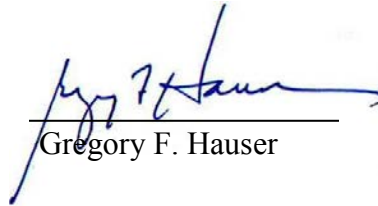
1. Status of discovery on Plaintiffs' original claims: This is largely complete, although Plaintiffs need document and deposition discovery as to the status of the domain names and emails to those domains over the last five years; Defendant's existing deposition testimony is from 2012. Defendant's counsel takes the position that this additional discovery is inappropriate since no facts relating to Plaintiff's claims have changed since the last deposition. Plaintiffs' counsel counters that Defendant needs to be deposed again in any event since the first assertion of counterclaims post-dates his 2012 deposition.
2. Proposed schedule for completing discovery on the remaining counterclaims/third-party claims: The parties anticipate needing ninety days for document and other written discovery and another ninety days for depositions.
3. Status of settlement discussions: The last settlement discussions were before the recently decided motions to dismiss and, because the parties were far apart, were exceedingly brief. The Court's decision of September 30 greatly reduced the financial scope of the action, but the parties have not yet had the time to reconsider their positions on settlement.
4. Other issues: The one remaining Third-party Defendant, Herbert Rebmann, would like to move for summary judgment on the third-party claim for conversion on the grounds that (i) it was Lipoid Grundstuecks GmbH (the "Company") as a company and not he that took Defendant's shares, and (ii) under German law, Defendant's exclusive remedy is an action against the Company.

Hon. Vernon S. Broderick

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Respectfully yours,

/s/ Samuel Goldman  
Samuel Goldman

  
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Gregory F. Hauser

cc: Sherica Bryan